

JURISDICTION:

NORTH DAKOTA

General Reference:

This chapter summarizes North Dakota State statutes related to speed.
North Dakota Century Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person may drive a vehicle at a speed greater than is reasonable and prudent under the existing conditions having regard to the actual and potential hazards then existing.¹ 39-09-01 (1)

Statutory Speed Limit:

70 MPH (112.65 Kilometers Per Hour) on interstate highways² 39-09-

See Other below.

02(1)(h)
65 MPH³ (104.61 Kilometers Per Hour) on certain paved highways during the day time 39-09-02(1)(g)
55 MPH⁴ (88.51 Kilometers Per Hour) on certain paved and unpaved highways during the nighttime 39-09-02(1)(f)
25 MPH (40.23 Kilometers Per Hour) in a business or residential district or a public park 39-09-02(1)(e)
20 MPH (32.19 Kilometers Per Hour) in a school zone⁵ 39-09-02(1)(b)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on the State highway system.⁶ 39-09-04 & 39-09-07
II. Based on engineering and traffic investigations, a local government may increase (but not >55 MPH/>88.51 Kilometers Per Hour) or decrease the above speed limits on the highways under its jurisdiction. 39-09-03

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. 39-09-09(1)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 39-10-08(2)

¹ A violation of this provision is considered "careless driving." 39-09-01

² The 70 MPH speed limit applies on access controlled, paved and divided, multilane interstate highways. 39-09-02(1)(h)

³ The 65 MPH speed limit applies (1), if posted, on paved two-lane highways if within the time period of one-half hour before sunrise to one-half hour after sunset (if posted) on paved and divided multilane highways. 39-09-02(1)(g)

⁴ Provided there is no posted speed limit or the time period is one-half hour after sunset to one-half hour before sunrise, the speed limit is 55 MPH speed limit (1) on gravel or loose surface highways and (2) on paved two-lane highways. 39-09-02(1)(f)

⁵ This speed limit applies when either (1) the school is in recess or (2) children are going to and from school. 39-09-02(1)(b)

⁶ This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for factors bearing on safe speeds. 39-09-04

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Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits for the highways under their jurisdiction. 39-09-09(2)
Other:	<p>I. The law establishes a speed limit of 20 MPH (32.19 Kilometers Per Hour) in certain situations where a driver's view is obstructed. 39-09-01(1)(a), (c) & (d)</p> <p>II. Special speed limits may be established on a State highway such as in a construction zone. 39-09-02(2)</p> <p>III. Based upon safety investigations, the State or a local government may establish safe maximum speed limits for bridges, causeways or viaducts. 39-09-01.1(2) & (3)</p> <p>IV. A person shall not operate a vehicle, that is equipped with solid rubber tires, >10 MPH (>16.09 Kilometers Per Hour). 39-09-04.1</p>

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	Speed Law Violations are Noncriminal Fee Dispositions. 39-07-06 & 39-06.1-06(1), (3), (4) & (8), 39-06.1-09 and 39-09-02(2)
Other:	A person, who violates the Basic Speed Rule (Careless Driving), commits an <u>Infraction</u> if they injure either a snow removal equipment operator or snow removal equipment while such are engaged in snow removal operations. 39-09-01 (2)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	None
Mandatory Minimum Term:	
Fine:	
Amount (\$ Range):	<u>Violating Basic Speed Rule-\$30</u> 39-06.1-06(4) & 39-09-01 <u>Violating Posted/Maximum Speed Limits-\$5 to >\$100⁷</u> 39-06.1-06(3) & (8) and 39-09-02(2)

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Fine:	
Amount (\$ Range): (continued)	<u>Driving a Vehicle Equipped with Solid Rubber Tires >10 MPH (>16.09</u>

General Fee Schedule: 6 to 10 MPH over the speed limit-\$5 plus \$1 for each MPH over 5 MPH; 11 to 15 MPH over the speed limit-\$10 plus \$1 for each MPH over 10 MPH; 16 to 20 MPH over the speed limit-\$15 plus \$2 for each MPH over 15 MPH; 21 to 25 MPH over the speed limit-\$25 plus \$3 for each MPH over 20 MPH; 26 to 30 MPH over the speed limit-\$40 plus \$3 for each MPH over 25 MPH; 31 to 35 MPH over the speed limit-\$50 plus \$3 for each MPH over 30 MPH; 36 to 40 MPH over the speed limit-\$60 plus \$3 for each MPH over 35 MPH; and, ≥41 MPH over the speed limit-\$100 plus \$5 for each MPH over 40 MPH. 39-06.1-06(3) II. **Fee Schedule for Exceeding the Speed Limit on a Highway with Posted Speed Limits 1 (88.51 Kilometers Per Hour):** 1 to 5 MPH over the speed limit-\$10 plus \$1 for each MPH over the limit; 6 to 10 MPH over the speed limit-\$15 plus \$2 for each MPH over 5 MPH over the limit; 11 to 15 MPH over the speed limit-\$25 plus \$3 for each MPH over 10 MPH over the limit; 16 to 20 MPH over the speed limit-\$40 plus \$3 for each MPH over 15 MPH over the limit; 21 to 25 MPH over the speed limit-\$50 plus \$3 for each MPH over 20 MPH over the limit; 26 to 30 MPH over the speed limit-\$60 plus \$3 for each MPH over 25 MPH over the limit; and, ≥31 MPH over the speed limit-\$100 plus \$5 for each MPH over 30 MPH over the limit. 39-06.1-06(8) III. **Fee Schedule for Violating a Specially Posted Speed Limit in a Construction Zone:** The fees apply unless a greater fee is applicable under other provisions of the law. 1 to 10 MPH over the speed limit-\$40; and, >10 MPH over the speed limit-\$40 plus \$5 for each MPH over 10 MPH. 39-09-02(2) Note: The point schedule does not assign points for a violation of the provisions related to minimum speed (39-09-09(1) & 39-09-09(2)).

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	<u>Kilometers Per Hour</u> -\$20 39-06.1-06(2) & 39-06.1-09
	<u>Exceeding the Maximum Safe Posted Speed Limit on Bridges, Causeways or Viaducts</u> -\$20 39-06.1-06(2) & 39-06.1-09
	<u>Driving Too Slowly or Violating Minimum Posted Speed Limit</u> -\$20 39-06.1-06(2) & 39-06.1-09
	<u>Infraction</u> -Not more than \$500 12.1-32-01(7)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	
Other:	<u>Subsequent Infraction.</u> A person, who has been convicted of a subsequent infraction offense within 1 year, <u>may</u> be sentenced as though convicted of a Class B Misdemeanor. 12.1-32-01(7) The sanctions for a Class B Misdemeanor are an imprisonment term of not more than 30 days and/or a fine of not more than \$500 . 12.1-32-01(6)
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁸ 39-06.1-10
Term of License Withdrawal (Days, Months, Years, etc.):	37 days 39-06.1-10(2)
Mandatory Minimum Term of Withdrawal:	Note: Suspensions via the Point System appear to be mandatory.
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Exhibition of Driving and Drag Racing</u> ⁹ :	Noncriminal Fee Disposition 39-08-03.1 & 39-07-06
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Point System. I. An offender, who accumulates 12 points, is subject to a 7 day license suspension. If they accumulate ≥ 13 points, their license is suspended for 7 day point over 11. 39-06.1-10(2) II. The following points have been assigned for speed related violations: Reckless driving-8 points; aggravated reckless driving-12 points; speed rule violation-6 points; drag racing-10 points; exhibition driving-3 points; and, failure to use care-2 points. 39-06.1-10(3)(a)(10), (12), (13) & (29) and 39-06.1-10(b)(1) & (2) II. Except as noted, the following points have been assigned for exceeding the speed limit: 16 to 20 MPH over the speed limit-3 points; 21 to 25 MPH over the speed limit-4 points; 26 to 35 MPH over the speed limit-6 points; 36 to 45 MPH over the speed limit-8 points; and, ≥ 46 MPH over the speed limit-12 points. 39-06.1-10(3)(a)(30) IV. The following points have been assigned for exceeding the speed limit within city limits or noncontrolled access highways: 6 to 10 MPH over the speed limit-2 points; 11 to 15 MPH over the speed limit-3 points; 16 to 20 MPH over the speed limit-4 points; 21 to 25 MPH over the speed limit-6 points; 26 to 35 MPH over the speed limit-8 points; and, ≥ 46 MPH over the speed limit-12 points. 39-06.1-10(3)(a)(31) V. The following points have been assigned for exceeding the speed limit on highways with a speed limit > 55 MPH (88.51 Kilometers Per Hour)-6 to 10 MPH over the speed limit-1 point; 11 to 15 MPH over the speed limit-4 points; 16 to 25 MPH over the speed limit-7 points; 26 to 35 MPH over the speed limit-10 points; and, ≥ 36 MPH over the speed limit-12 points. 39-06.1-10(3)(a)(34) **Persons Under 18 Years Old.** A person under 18 yrs old, who has accumulated > 5 points, must have their driving privileges canceled. Such a person is considered to never to have had a license and, after any period of suspension or revocation, they may apply for and be issued an instructional permit. Such individuals must complete certain State required classroom and behind-the-wheel instruction and satisfy all other requirements for licensing prior to being issued a driver's license. 14-10-05-01.1

"Drag racing" is defined as operating either (1) "two or more vehicles from a point side by side by accelerating rapidly in a competition attempt to outdistance the other" or (2) "one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of one or more vehicles within a certain distance or time limit." 39-08-03.1(2)(a) II. "Exhibition driving" is defined as either (1) operating "a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking" or (2) "operating or executing or attempting on

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Sanctions:

Criminal Sanction:

Imprisonment (Term):

None

Mandatory Minimum Term:

Fine (\$ Range):

For Drag Racing-**\$100** 39-08-03.1(1)

For Exhibition Driving-**\$50** 39-08-03.1(1)

Note: The law is not clear but the above fines may be mandatory.

Mandatory Minimum Fine:

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via a Point System⁸ 39-06.1-10

Length of Term of

37 days 39-06.1-10(2)

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Note: Suspensions via the Point System appear to be mandatory.

Other:

Reckless Driving:

Class B Misdemeanor 39-08-03

Sanction:

Criminal:

Imprisonment (Term):

Not more than **30 days** 12.1-32-01(6)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** 12.1-32-01(6)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁸ 39-06.1-10

Length of Term of License

37 days 39-06.1-10(2)

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Note: Suspensions via the Point System appear to be mandatory.

Other:

Other Criminal Actions Related to Speeding: (continued)

Aggravated Reckless Driving¹⁰:

Class A Misdemeanor 39-08-03

Sanction:

Criminal:

Imprisonment (Term):

Not more than **1 year** 12.1-32-01(5)

Mandatory Minimum Term

; of unnecessarily abrupt turns." 39-08-03.1(2)(b)

"Aggravated reckless driving" is reckless driving which "inflicts injury upon the person of another." 39-08-03

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of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000 12.1-32-01(5)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁸ 39-06.1-10 or Revocation if there was "serious bodily injury" ¹¹ 39-06-31(2)
Length of Term of License	
Withdrawal Action:	Suspensions via Point System- 37 days 39-06.1-10(2) Revocation-1 year or for such period as recommend by the court 39-06-31
Mandatory Term of License	
Withdrawal Action:	Suspensions via the Point System appear to be mandatory. Revocation-1 year or for such period as recommend by the court
Other:	
<u>Care in Operating Vehicles</u> ¹² :	Noncriminal Disposition Fee 39-06.1-06(5) & 39-09-01.1
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	\$10 to \$30 39-06.1-06(5)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁸ 39-06.1-10
Length of Term of License	
Withdrawal Action:	37 days 39-06.1-10(2)
Mandatory Term of License	
Withdrawal Action:	Note: Suspensions via the Point System appear to be mandatory.
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Care in Operating Vehicles:</u> (continued)	
Other:	

Commercial Motor Vehicle (CMV) Operators¹³ :

"Serious bodily injury" is defined as "bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme permanent loss or impairment of the function of any bodily member or organ." 12.1-01-04(28)

A person violates this provision if they (1) do not operate a vehicle "in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway under the conditions then existing" or (2) "drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person." 39-09-01.1

A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle used to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. 39-06.2-02(6)

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Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁴ within a 3 year period or (2) commit 3 such violations within a 3 year period.
39-06.2-10(5)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** 39-06.2-10(5)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 39-06.2-10(5)

A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 39-06.2-02(21)